

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, JUNE 27, 2001
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

ALSO PRESENT: MICHAEL D. KOEHS, DEPUTY CLERK
JEANETTE ROONEY, DEPUTY TRESURER

ABSENT: MARIE E. MALBURG, TREASURER
NORMAN J. SNAY, CLERK
(Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Deputy Clerk KOEHS called roll. Treasurer MALBURG & Clerk SNAY absent.

MOTION by OLIVER seconded by MEERSCHAERT to abstain from calling MALBURG & SNAY for roll call votes.

MOTION carried.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA ITEMS (with any addendum's)

Additions:

- 7a. Resolution for Retiree Health Care Benefit Plan
- 7b. Adoption of Fiscal Year 2001-2002 Budget.
- 22a. Request to attend Recreation Center Architectural Meeting.
- 26a. Easement Encroachment Agreement, 52001 Powderhorn, Lot #134 in the Deerwood Subdivision.

Supervisors Comments:

- 31c. Request authorization for Attorney to defend the Township in regards to 2 Tax Tribunal law suits.
- 37. Consideration of Hartford P.U.D. (Planned Unit Development) Agreement.

MOTION by DUNN seconded by OLIVER to approve agenda as amended.

MOTION carried.

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4. APPROVAL OF BILLS.

Board discussion was held regarding a bill submitted from Gibbs Planning Group.

MOTION by DUNN seconded by OLIVER to authorize payment of bills as submitted.

FOR THIS MOTION: DUNN, OLIVER, MEERSCHAERT, BUCCI, BRENNAN.
OPPOSED: NONE
ABSENT: MALBURG, SNAY

MOTION carried.

5. APPROVAL OF MEETING MINUTES.

MOTION by OLIVER seconded by MEERSCHART to approve the minutes of June 13, 2001 as presented.

6. DEPARTMENT MONTHLY REPORTS

- A. Macomb County Sheriffs Department.
- B. Building Department
- C. Fire Department
- D. Water/Sewer Department
- E. Parks and Recreation Department

MOTION by DUNN seconded by OLIVER move to receive/file and approve the Department Monthly Reports as a consent agenda.

MOTION carried.

7. PUBLIC COMMENTS

Public discussion was held regarding the Hunters Pond community and numerous concerns of its residents.

7a. Adoption of Resolution for Retiree Health Care Benefit Plan.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by MEERSCHART to adopt the resolution to fund the Retiree Health Care Benefit Plan.

**Resolution
Retiree Health Care Benefit Plan**

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on the 27th day of June 2001, the following preamble and resolution were offered by Member DUNN and supported by Member MEERSCHART.

WHEREAS, the Township wishes to create a public employee health care fund for the accumulation and investment of assets to be used for the funding of health care benefits for those retirees and their beneficiaries who are eligible to receive health care benefits from the Township ("Qualified Persons"), and

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WHEREAS, the Township wishes to permit the investment of assets of the public employee health care fund in investments, subject to the limitations governing the investment of assets of public employee retirement systems under the Public Employee Retirement System Investment Act, PA 314 of 1965, as amended, and all other applicable federal, state and local law, therefore be it

RESOLVED, that the Retiree Health Care Benefit Plan (the "Fund") is hereby established, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999, and further

RESOLVED, the assets of the Fund shall be held in a separate account for the exclusive purpose of providing health care, dental care, optical, and life insurance benefits to eligible retirees of the Township and their beneficiaries ("Qualified Persons") and for the payment of the administrative expenses of the Fund, and

RESOLVED, that "Qualified Person" shall mean retirees of the Township or their beneficiaries who are receiving health care benefits by virtue of satisfying the following eligibility requirements: pursuant to the collective bargaining agreement which is incorporated herein by reference, and further

RESOLVED, that the Township's Treasurer shall serve as the Investment Fiduciary and shall have the authority and fiduciary responsibility for the administration, management and operation of the Fund, and further

RESOLVED, that the Investment Fiduciary may establish such Plan documents and accounts and retain such professional, clerical or administrative personnel to perform those activities which are required in the proper performance of the Fund, and further

RESOLVED, that the Township shall make such contributions to the Fund (as it deems appropriate) and the Investment Fiduciary shall have an actuarial review performed on the Fund no less than once every five years, and further

RESOLVED, that the assets of the Fund shall be invested in accordance with the Investment Policy as established by the Investment Fiduciary and the Public Employee Retirement System Investment Act, PA 314 of 1965, as amended, and all other applicable federal, state and local law, and further

RESOLVED, that the Investment Fiduciary shall maintain proper records for the Fund and shall prepare and issue a summary annual report to the Township.

AYES: DUNN, MEERSCHAERT, BUCCI, OLIVER, BRENNAN.
NAYES: NONE
ABSENT: MALBURG, SNAY

RESOLUTION DECLARED ADOPTED

Norman J. Snay
Macomb Township Clerk

MOTION carried.

7b. Adoption of Fiscal Year 2001-2002 Budget

Supervisor BRENNAN read the Appropriations Act to the Board and audience.

Public Portion: None

MOTION by DUNN seconded by BUCCI to adopt the General Appropriations Act for the Fiscal Year 2001-2002.

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GENERAL APPROPRIATIONS ACT

An Act to provide for the adoption of a budget proposed by the Township Supervisor containing estimates of proposed revenues, expenditures, and to provide for the levy of taxes for the fiscal year beginning July 1, 2001 and ending June 30, 2002 in accordance with Michigan Public Act 621 of 1978.

Be it resolved by the Board of Trustees, Township of Macomb:

Section 1. That for the expenses of Township Government and its activities for the fiscal year, beginning **July 1, 2001 and ending June 30, 2002** the following Sections are hereby appropriated:

Section 2. That for the said fiscal year there is hereby appropriated out of the **General Fund \$8,741,560.** A Residual Equity Transfer of \$1,000,000 will be used to establish a Public Employee Health Care Fund

Section 3. That for the said fiscal year there is hereby appropriated out of the **Municipal Street Fund \$2,001,000.**

Section 4. That for the said fiscal year there is hereby appropriated out of the **Fire Fund –**

Operations Fund	\$ <u>2,156,150</u>
Improvement Fund	\$ <u>725,000</u>

Section 5. That for the said fiscal year there is hereby appropriated out of the **Parks/Recreation Fund \$817,588**

Section 6. That for the said fiscal year there is hereby appropriated out of the **Law Enforcement Fund \$1,392,702.**

Section 7. That for the said fiscal year there is hereby appropriated out of the **Building Authority Construction Fund \$7,475,000.**

Section 8. That for the said fiscal year there is hereby appropriated out of the **Fire Retirement System Fund \$14,000.**

Section 9. That for the said fiscal year there is hereby appropriated out of the **Noxious Weed Fund \$12,000.**

Section 10. Those amounts budgeted for specific items or purposes and not required to be utilized for such items and purposes may be rebudgeted by the Township Supervisor for other items and purposes within the same funds for which such allocation was originally made.

Section 11. The information summary with respect to the Water and Sewer funds, while not subject to the budgetary process, is incorporated herein for purposes of information and reference.

Adopted this **27th day of June 2001.**

John D. Brennan, Macomb Township Supervisor

Attested, Norman J. Snay, Macomb Township Clerk

MOTION carried.

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PUBLIC HEARING:

8. Request for Special Assessment District Street Lighting; Carleton Place Subdivision.

Public Hearing commenced at 7:17 p.m.

Supervisor BRENNAN reviewed the cost estimate prepared by Detroit Edison which states the financial obligations of the developer and home owners.

Public Portion: None

MOTION by OLIVER seconded by DUNN to close the Public Hearing at 7:19 p.m.

MOTION carried.

MOTION by OLIVER seconded by DUNN to adopt the Resolution to create the Special Assessment District; Street Lighting for Carleton Place Subdivision.

SAD, Street Lighting Carleton Place Subdivision

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **June 27, 2001**, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert,
Jr.
ABSENT: Marie E. Malburg, Norman J. Snay

The following preamble and resolution were offered by Member OLIVER and supported by Member DUNN.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

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WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Carleton Place Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$44,539.23, together with the first annual electrical service charge in the amount of \$6,692.22, the Township's at-large contribution is \$-0-.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, DUNN, BUCCI, MEERSCHAERT, BRENNAN.

NAYS: NONE

ABSENT: MALBURG, SNAY

RESOLUTION DECLARED ADOPTED.

NORMAN J. SNAY
MACOMB TOWNSHIP CLERK

MOTION carried.

9. Request for an Industrial Facilities Exemption Certificate; American Machine Guarding Manufacturing, Inc.

Public Hearing commenced at 7:20 p.m.

Supervisor BRENNAN gave a brief overview of the formula used to determine qualifications for granting a tax abatement.

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Petitioner Present: Kathleen Kay an associate of Don Loranger

Public Portion: None

Larry Dloski, Township Attorney, stated that under the Township's Policy the abatement could be granted for a maximum total of 10 years, 3 for machinery, equipment, furniture and fixtures and 7 years for the 80 new jobs created.

MOTION by DUNN seconded by OLIVER to close the public hearing at 7:23 p.m.

MOTION carried.

MOTION by MEERSCHART seconded by OLIVER to adopt the Resolution to grant the Industrial Facilities Exemption Certificate for American Machine Guarding Manufacturing, Inc. for a total period of 10 years; 3 years for the investment and 7 years for employees.

ABATEMENT AGREEMENT

THIS AGREEMENT made and entered into this 27th day of **June, 2001**, by and between the Township of Macomb, a Michigan Municipal Corporation, whose address is 19925 23 Mile Road, Macomb, Michigan 48042 (the "Township") and American Machine Guarding Manufacturing, Inc., a Michigan corporation, whose address is 51258 Quadrate Drive, Macomb, Michigan 48042 (the "Company"),

WITNESSETH;

WHEREAS, pursuant to 1974 PA 198, as amended, the Company has filed an Application for Industrial Facilities Exemption Certificate with the Township seeking a period of abatement for personal property improvements to be installed in industrial facilities; and

WHEREAS, on **June 27, 2001**, the Macomb Township Board approved the Application for Industrial Facilities Exemption Certificate for a period of ten (10) years; and

WHEREAS, pursuant to 1993 PA 334, amending 1974 PA 198, it is necessary for the Township and Company to enter into an Agreement concerning the Company's fulfillment of its responsibilities as represented in the Application and its commitment to remain as a taxpayer of the Township;

NOW, THEREFORE, in consideration of the Township's approval of the Company's Application for Industrial Facilities Exemption Certificate for a period of ten (10) years, the Company agrees within two (2) years from the effective date of the Certificate:

1. To install machinery and equipment, having an estimated value of \$2,833,660.00;
2. To retain an average of eighty (80) existing jobs as a result of the project;
3. In the event the Company moves its operation from the Township within the abatement period of ten (10) years, to pay to the Township and all taxing units a sum equal to all ad valorem real and personal property taxes that the Company would have paid had this abatement not been granted during the period of operation in the Township, reduced by all paid Industrial Facility Taxes;
4. In the event that the Company does not comply with the terms and conditions imposed by Macomb Township as a condition for granting an Industrial Facilities Exemption Certificate, then Macomb Township may, at its option, either revoke or reduce the amount of tax abatement granted to the Company;
5. The Abatement Agreement is hereby incorporated and made a part of the Township resolution approving the Company's request for an Industrial Facilities Exemption Certificate.

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6. No later than two (2) years from the effective date of the Industrial Facilities Exemption Certificate, the Company shall provide Macomb Township with documentation that it has complied with the terms and conditions required by Macomb Township for the granting of an Industrial Facilities Exemption Certificate.

In the Presence of:

TOWNSHIP OF MACOMB, a Michigan
Municipal Corporation

By: _____
John D. Brennan, Its Supervisor

By: _____
Norman J. Snay, Its Clerk

MOTION carried.

Resolution
Approving an Industrial Facilities Exemption Certificate
For American Machine Guarding Manufacturing, Inc.

Minutes of a Regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **June 27, 2001**, at 7:00 P.M. Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: Norman J. Snay, Marie E. Malburg.

The following preamble and resolution were offered by Member MEERSCHAERT and supported by Member OLIVER.

WHEREAS, American Machine Guarding Manufacturing Inc., a Michigan Corporation, has petitioned the Macomb Township Board for the approval of an application for Industrial Facilities Exemption Certificate pursuant to the provisions of Act 198, Public Acts of 1974, as amended; and

WHEREAS, the Township of Macomb, is a local governmental unit empowered to establish an Industrial Development District pursuant to Act 198, supra; and

WHEREAS, the Township Board on **November 24, 1998**, established an Industrial Development District by Resolution pursuant to the petition of the then titleholder Quadrate Development, L.L.C., a Michigan Corporation; and

WHEREAS, American Machine Guarding Manufacturing, Inc., has not commenced construction of a proposed facility earlier than six (6) months before the filing of said application; and

WHEREAS, completion of the proposed facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is new construction of plant and acquisition of new equipment; and

WHEREAS, the Township Board has established Wednesday, **June 27, 2001**, at 7:00 o'clock P.M. as the date and time at the Township Offices located at 19925-23 Mile Road, Macomb, MI 48042 as the place for the holding of a public hearing on the question of whether the application for an Industrial Facilities Exemption Certificate should be approved pursuant to the request of American Machine Guarding Manufacturing, Inc.; and

WHEREAS, the Township Board has given written notice of said hearing by mail to the assessor of the Township, and to the legislative body of each taxing unit which levies as valorem property taxes in the Township of Macomb, and has published a notice of said hearing in a newspaper of general circulation within the Township; and

WHEREAS, the Township Board has afforded the applicant, the assessor and representatives of the affected taxing units an opportunity to be heard on person or by written communication as to the Industrial Facilities Exemption Certificate submitted by American Machine Guarding Manufacturing, Inc.

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**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF
MACOMB, MACOMB COUNTY, MICHIGAN**

1. The Township Board finds and determines that the approval of the application for Industrial Facilities Certificate by American Machine Guarding Manufacturing, Inc., considered together with the aggregate amount of Industrial Facilities Exemption Certificate previously granted and currently in force, would not have the affect of substantially impeding the operation of the Township, or impairing the financial soundness of any other taxing unit which levies an ad valorem property tax in the Township.
2. That the Township Board hereby approved the application for Industrial Facilities Exemption Certificate submitted by American Machine Guarding Manufacturing, Inc., for a period of ten (10) years.
3. That in the event the within application for Industrial Facilities Exemption Certificate, considered together with the aggregate state equalized valuation of property exempt under certificates previously granted and currently in force exceeds five (5%) percent of the state equalized valuation of the Township of Macomb, Macomb County, Michigan, the Township Board urges the State Tax Commission, the approval of the State Treasurer, to make a finding and include within an order approving said Industrial Facilities Exemption Certificate, that the same, if granted shall not have the effect of substantially impeding the operation of the Township of Macomb or impairing the financial soundness of any of the affected taxing units.
4. That a condition of granting and maintaining the Industrial Facilities Exemption Certificate, American Machine Guarding Manufacturing, Inc., will comply with the terms and conditions of the Township's standards for granting an Industrial Facilities Exemption Certificate, a copy of which American Machine Guarding Manufacturing, Inc., acknowledges having been received. Seven (7) of the ten (10) years approved for the Industrial Facilities Exemption Certificate were for job creation pursuant to the Township policy.
5. That a condition of granting the Industrial Facilities Exemption Certificate, American Machine Guarding Manufacturing, Inc. will execute an Abatement Agreement.

AYES: MEERSCHAERT, OLIVER, BUCCI, DUNN, BRENNAN.
NAYS: NONE
ABSENT: MALBURG, SNAY

RESOLUTION DECLARED ADOPTED.

Norman J. Snay
Township Clerk

PLANNING COMMISSION:

10. Tentative Preliminary Plat; Sycamore Estates Subdivision; (118 lots); Located on the southeast corner of Card Road and future 22 Mile Road; Section 26; Polarity, L.L.C., Petitioner. Permanent Parcel No. 08-26-100-001.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for a period of one (1) year contingent upon the fulfilling of the standard and recommended conditions.

Petitioner Present: Richard Ives

Board discussion was held regarding Macomb County Road Commission and the Master Thoroughfare Plan and three irregular shapes lots that need to be re-reviewed by the Building Official.

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Larry Dloski, Township Attorney, stated that approval from the County Road Commission should be addressed before Final Plat is submitted. Mr. Dloski informed the board that a final plat can not be approved contingent upon specific items.

Public discussion was held regarding the Townships and Counties agreeing on changing the Master Thoroughfare Plan.

MOTION by OLIVER seconded by DUNN to approve the Tentative Preliminary Plat for Sycamore Estates Subdivision for the period of one (1) year to expire June 27, 2002 contingent upon the posting of the required bond and the fulfilling of the standard and recommended conditions of the Planning Commission.

MOTION carried.

11. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately 2, 132 feet west of Luchtman Road; Section 5; Janet Brown, Petitioner. Permanent Parcel No. 08-05-400-012.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning and surrounding property and stated the recommendation of the Planning Commission to approve.

Petitioner Present: Janet Brown

Public Portion: None

Board discussion was held regarding the usable acreage.

MOTION by MEERSCHART seconded by OLIVER to grant the rezoning of Permanent Parcel No. 08-05-400-012 from Agricultural (AG) to Residential Urban One Family (R-1).

MOTION carried.

12. Request for Variance to the Land Division Regulations No.17; Wolverine Trace Subdivision; (89 lots); Located north of 25 Mile Road and approximately 420 feet east of Luchtman Road; Section 4; Tiamo, L.L.C., Petitioner. Permanent Parcel No. 08-04-300-022.

Mr. Bernard Lynden, Planning Consultant, reviewed the variance. Mr. Lynden stated the recommendation of the Planning Commission to approve the variance which would eliminate the stub street to the west.

Petitioner Present: John Vesper of Tiamo, LLC

Public Portion: None

MOTION by DUNN seconded by MEERSCHART to grant the Variance to the Land Division Ordinance No.17 for Wolverine Trace Subdivision as requested to eliminate the stub street to the west.

MOTION carried.

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13. Tentative Preliminary Plat; Wolverine Trace Subdivision; (89 lots); Located north of 25 Mile Road and approximately 420 feet east of Luchtman Road; Section 4; Tiamo, L.L.C., Petitioner. Permanent Parcel No. 08-04-300-022.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for a period of one (1) year contingent upon the fulfilling of the standard and recommended conditions.

Petitioner Present: John Vesper

Public Portion: None

MOTION by MEERSCHEART seconded by OLIVER to approve the Tentative Preliminary Plat for Wolverine Trace Subdivision for the period of one (1) year to expire June 27, 2002 contingent upon the posting of the required bond and the fulfilling of the standard and recommended conditions.

MOTION carried.

14. Extension of Time; Tentative Preliminary Plat; Macomb Corporate Center No.2; Located south of 23 Mile road and approximately 3,000 feet west of Romeo Plank Road; Section 20. Permanent Parcel No. 08-20-100-018.

Mr. Bernard Lynden, Planning Consultant, reviewed the requested extension and stated the recommendation of the Planning Commission to approve the plat for one (1) year to expire June 14, 2002.

Petitioner Present: Jeff Rizzo of Fenn & Associates

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant an extension of the Tentative Preliminary Plat for Macomb Corporate Center No.2 for the period of one (1) year to expire June 14th, 2002.

MOTION carried.

NEW BUSINESS:

15. Temporary Certificate of Occupancy; Architectural Stainless Inc., Petitioner. (Tabled from the meeting of June 13, 2001).

Supervisor BRENNAN reviewed the request.

Board discussion was held regarding requirements that still need to met.

Public Portion: None

MOTION by OLIVER seconded by DUNN to approve the Temporary Certificate of Occupancy for Architectural Stainless, Inc.; 16575 23 Mile Road for a period of 60 days to expire August 27th, 2001 contingent upon the posting of the required site improvements bond in the amount of sixty five

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hundred dollars and 00/100 (\$6,500.00) and a letter be submitted from the Structural Engineer regarding the erection of the steel.

MOTION carried.

16. Computer Consultation Retainer Agreement; MSI (Micro Science, Inc.)

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to enter into the Consultation Retainer Agreement with MSI (Micro Science, Inc.).

MOTION carried.

17. Request Extension of Conditional Work Hours & Noise Level Variance; Jay Dee Contractors, Inc., Petitioner.

Supervisor BRENNAN reviewed the request and stated his recommendation to extend for an additional 60 days.

Public Portion: None

MOTION by OLIVER seconded by MEERSCHAERT to grant the extension of the original approval of February 28th, 2001 for an additional 60 days to expire August 28th, 2001.

MOTION carried.

18. Request to Vacate Easement; Macomb Corporate Center No.2; Fenn & Associates, Petitioner.

Supervisor BRENNAN reviewed the request and the recommendations submitted by the Township Engineers.

Petitioner Present: Jeff Rizzo of Fenn & Associates

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant permission to vacate the easement at the Macomb Corporate Center No. 2 site contingent upon the following of the recommendations submitted by the Water/Sewer Department and Township Engineers.

MOTION carried.

19. Request for Temporary Cement Batch Plant Extension located at Cornerstone Village Subdivision; John Carlo Inc., Petitioner.

Supervisor BRENNAN reviewed the request and stated he had received numerous complaints regarding the site.

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Board discussion was held regarding the length of time being requested and what subdivisions were being poured from this site.

Public Portion: None

MOTION by OLIVER seconded by MEERSCHAERT to approve the extension of the Temporary Cement Batch Plant site located at the Cornerstone Village Subdivision; John Carlo, Inc. for a period of 14 days to expire July 11th, 2001.

MOTION carried.

20. Request to Approve Software Purchase and Licensing and Support Agreement.

Michael Koehs, Deputy Clerk, reviewed the request.

Board discussion was held regarding the number of work stations covered under the Licensing Agreement and length of coverage under the Support Agreement.

Public Portion: None

MOTION by MEERSCHART seconded by DUNN to approve the Software Purchase and Licensing Agreement.

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

21. Request to Purchase Litter Receptacles for Waldenburg Park.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request and stated his recommendation to purchase the receptacles from Petosky Landscapeforms.

Public Portion: None

MOTION by MEERSCHART seconded by OLIVER to authorize the purchase of four (4) litter receptacles from Petosky Landscapeforms for the total cost of three thousand three hundred sixty dollars and 00/100 (\$3,360.00).

MOTION carried.

22. Request to Contract for Mosquito Spraying for Summer Concert Series.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request and stated that the Township would not be obligated to any contractual requirements and the service would be provided on an as requested basis and could be discontinued at any time.

Board discussion was held regarding the qualification of the contractor.

Public discussion was held in support of the spraying.

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MOTION by OLIVER seconded by MEERSCHAERT to authorize the services of Belcrest Pest Control to provide up to six (6) separate mosquito control applications for the total cost of two thousand one hundred dollars and 00/100 (\$2,100.00).

MOTION carried.

22a. Request to attend Recreation Center Architectural Meeting.

Martin Piepenbrok, Parks and Recreation Director, reviewed what would be covered at these meetings and the benefits of himself and Supervisor BRENNAN'S attendance.

Public Portion: None

MOTION by OLIVER seconded by DUNN to authorize the travel of Martin Piepenbrok and Supervisor BRENNAN in the attending Recreation Center Architectural meeting.

MOTION carried.

Mr. Piepenbrok informed the Board there will be a public meeting held on August 9th, 2001, at the Township Senior Center (Open House) regarding a presentation of the Community Recreation and Aquatics Center.

WATER/SEWER DEPARTMENT:

23. Easement Encroachment Agreement, Michael L. & Renee Bisby, 16396 Applewood Court, Macomb MI 48042, Lot #24, The Rivers Subdivision I.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool/concrete walk and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to grant an Easement Encroachment Agreement for a pool/concrete walk for Lot #24; 16396 Applewood Court in The Rivers Subdivision I.

MOTION carried.

24. Easement Encroachment Agreement, Diane Searles, 48760 Tilch Road, Macomb MI 48044, Lot #98, Jefferson Meadows Subdivision II.

David Koss, Water/Sewer Superintendent, stated this was an agreement for pool decking and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

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MOTION by OLIVER seconded by MEERSCHART to grant an Easement Encroachment Agreement for pool decking for Lot #98; 48760 Tilch Road in the Jefferson Meadows II Subdivision.

MOTION carried.

25. Easement Encroachment Agreement, Edward S. & Carlo J. Manes, 50144 Madison Drive, Macomb MI 48044, Lot #77, Cambridge Commons Subdivision.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool/decking and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to grant an Easement Encroachment Agreement for a pool/decking for Lot #77; 50144 Madison Drive in the Cambridge Commons Subdivision.

MOTION carried.

26. Easement Encroachment Agreement, Andrew B. Pallegirino, 16169 Harvest Spring Lane, Macomb MI 48044, Lot #129, The Rivers Subdivision I.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool/decking and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by OLIVER seconded by MEERSCHART to grant an Easement Encroachment Agreement for a pool/decking for Lot #129; 16169 Harvest Spring Lane in The Rivers Subdivision I.

MOTION carried.

- 26a. Easement Encroachment Agreement, Thomas E. Cangemi and Paula M. Cangemi, 52001 Powderhorn Drive, Macomb MI 48042, Lot #134, Deerwood Subdivision III.

David Koss, Water/Sewer Superintendent, stated this was an agreement for a pool and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of this agreement.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant an Easement Encroachment Agreement for a pool for Lot #134; 52001 Powderhorn Drive in the Deerwood Subdivision III.

MOTION carried.

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27. Easement Request, Detroit Edison, New Civic Center Development.

David Koss, Water/Sewer Superintendent, reviewed the request.

Board discussion was held regarding overhead lines vs underground.

MOTION by BUCCI seconded by OLIVER to table this matter to the meeting of July 11th, 2001.

MOTION carried.

28. Award of Bid, 22 Mile Road/Waldenburg Sanitary Sewer, MA 98-19.

David Koss, Water/Sewer Superintendent, reviewed the request and stated his recommendation as approved by the Township Engineers, to award the bid to the lowest bidder of Lanzo Construction.

Board discussion was held regarding the bid amount vs the Engineers estimated amount.

Public Portion: None

MOTION by DUNN seconded by BUCCI to award the 22 Mile Road/Waldenburg Sanitary Sewer, MA 98-19 bid to Lanzo Construction Company for the submitted bid amount of four hundred twenty seven thousand three hundred and eleven dollars (\$427,311.00)

MOTION carried.

29. Request for Temporary Cement Batch Plant, Tony Angelo Cement Construction Company.
a. Fairways of Macomb
b. Koss Farms

David Koss, Water/Sewer Superintendent, stated that the paperwork was in order and meets all requirements. Mr. Koss stated his recommendation to approve the for a period of 60 days as requested by the petitioner.

MOTION by OLIVER seconded by MEERSCHART to grant approval of a Temporary Cement Batch Plant, Tony Angelo Cement Construction Company to be located at the Fairways of Macomb Subdivision and Koss Farms Subdivision for a period of 60 days beginning June 27, 2001 and to expire August 27th, 2001, with the transferring of the required bond and contingent upon the posting of the meter deposit.

MOTION carried.

30. Approval of Purchase Requisitions:
a. SLC Meter Service

David Koss, Water/Sewer Superintendent, reviewed the purchase requisitions and stated his recommendation to approve.

Public Portion: None

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MOTION by OLIVER seconded by DUNN to authorize the payment of the purchase requisition to SLC Meter Service for the total amount of two thousand five hundred dollars and 00/100 (\$2,500.00).

MOTION carried.

BOARD COMMENTS:

31. Supervisor's Comments

- a. Request to Reprogram the CDBG (Community Development Block Grant) Funds.

Supervisor BRENNAN reviewed the request and stated a public hearing will be held on July 11, 2001 regarding the matter.

Public Portion: None

Informational Only

- b. Garfield Sidewalk Proposals.

Supervisor BRENNAN reviewed the request and stated his recommendation to award the bid to Borbolla Construction. Mr. Brennan included that the bid will also cover repairs to the Senior Centers Walkway.

Public Portion: None

MOTION by DUNN seconded OLIVER to award the Garfield Sidewalk Proposals to Borbolla Construction, Inc. for the submitted bid amount of thirty one thousand nine hundred ninety seven dollars and 40/100 (\$31,997.40).

MOTION carried.

- c. Request authorization for Attorney to defend the Township in regards to 2 Tax Tribunal law suits.

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MEERSCHART to authorize the Township Attorney to defend the Township in (2) Tax Tribunal Appeals; RPP Associates, LLC Partnership and The Michigan State Tax Commission representing Consumers Energy.

MOTION carried.

32. Clerk's Comments

Deputy Clerk KOEHS stated that as of today no notice has been received calling for a special election in Senate District Twelve (12).

33. Treasurer's Comments

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None

34. Trustee's Comments

None

MOTION by MEERSCHAERT seconded by OLIVER to adjourn into Executive Session at 8:28 p.m.

MOTION carried.

Returned from Executive Session at 9:28 p.m.

EXECUTIVE SESSION:

35. Land Acquisition (Tabled from the meeting of June 13, 2001)

Informational Only

36. Grand Sakwa v Macomb Township

Informational Only

37. Consideration of Hartford P.U.D. (Planned Unit Development).

MOTION by DUNN seconded by BUCCI to approve the proposed Hartford P.U.D. (Planned Unit Development) Agreement subject to provisions of Legal Department.

FOR THIS MOTION: DUNN, BUCCI, MEERSCHART, OLIVER, BRENNAN.

OPPOSED: NONE

ABSENT: MALBURG, SNAY

MOTION carried.

ADJOURNMENT

MOTION by MEERSCHAERT seconded by DUNN to adjourn the meeting at 9:30 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

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Norman J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM

MACOMB TOWNSHIP BOARD MEETING MINUTES
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